

October 3, 2005
Case No.: GP-301187 (2760/S)
Serial No.: 09/997,761
Filed: November 29, 2001
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-- REMARKS --

Claims 1-30 remain under consideration.

Attached is a Declaration of Edward P. Chrumka swearing back of the Bhatia reference.

35 U.S.C § 103(a) provides that "a patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of the title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made." Furthermore, according to 37 CFR 1.131(a), "When any claim or an application or a patent under reexamination is rejected, the inventor of the subject matter of the rejected claim, the owner of the patent under reexamination, or the party qualified under paragraphs 1.42, 1.43, or 1.47, may submit an appropriate oath or declaration to establish invention of the subject matter of the rejected claim prior to the effective date of the reference or activity on which the rejection is based."

Applicant hereby traverses the §103(a) rejection and respectfully submits an affidavit and supporting material that swears back of the cited references, with supporting material attached as Exhibit A and Exhibit B.

Withdrawal of the rejections to claims 1-30 based on the Declaration is hereby requested.

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CONCLUSION

The Applicants respectfully submit that claims 1-30 fully satisfy the requirements of 35 U.S.C. §§102, 103 and 112. In view of the foregoing, favorable consideration and early passage to issue of the present application is respectfully requested.

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Respectfully submitted,
Edward P. Chrumka, et al

GENERAL MOTORS CORPORATION
General Motors Legal Staff
Mail Code 482-C23-B21
300 Renaissance Center
P.O. Box 300
Detroit, MI 58265-3000
Phone: (313) 665-4714

Anthony Luke Simon
Registration No. 34,434
Attorney for Applicant

CARDINAL LAW GROUP
Suite 2000
1603 Orrington Avenue
Evanston, Illinois 60201
Phone: (847) 905-7111
Fax: (847) 905-7113


Frank C. Nicholas
Registration No. 33,983
Attorney for Applicants